THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11204 OF 2006

08.06.2006

Between:

Sri Boppana Venkatappaiah, S/o.Ramaiah

… Petitioner

AND

The District Collector, Khammam District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11204 OF 2006

ORDER:

The petitioner is resident of Ayyagaripeta village of Sattupalli Mandal in Khammam District. He occupied government land admeasuring 894 Sq.yards in survey No.173/1/10 of Ayyagaripeta Village and is in possession of the same. So as to get regularization of his occupation, the petitioner approached the District Collector, Khammam seeking such regularization in accordance with the guidelines in G.O.Ms.No.1601 dated 29.8.2005. It appears, after considering the same, the District Collector by a communication dated 25.3.2006 forwarded the representation/ application of the petitioner to the second respondent. It is alleged that the said application is still pending with the Mandal Revenue Officer, Sattupalli (MRO). In the mean while, the second respondent initiated action under A.P. Land Encroachment Act, 1905 (the Act, for brevity), and after issuing a notice under Section 7 of the Act and obtaining explanation from the petitioner, passed the impugned order in Rc.No.B-505/2005 dated 05.6.2005 directing the petitioner be evicted immediately. This is assailed in the present writ petition.

Learned Counsel for the petitioner submits that if the petitioner is evicted from the government land pursuant to the order of eviction passed by the second respondent, the application made by the petitioner for regularization of occupation would be frustrated. The learned Counsel however does not dispute that under Section 10 of the Act, effective alternative remedy is available by way of appeal before the Revenue Divisional Officer (RDO). Therefore, this Court is not inclined to interfere at this stage. It shall be open to the petitioner to file appeal before jurisdictional RDO against the impugned order and raise all the grounds including the grounds raised herein above. To enable the petitioner to approach the RDO and obtain appropriate orders to protect his possession of government land, there shall be *status quo* for a period of one week from today. In the mean while, the petitioner may approach the jurisdictional RDO and obtain necessary orders.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

June 08, 2006

NOTE:

Dispatch order copy today i.e.,

08.6.2006.

(By order)

YS